

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 3 NUMBER 83

Washington, Thursday, April 28, 1938

PRESIDENT OF THE UNITED STATES.

NATIONAL MARITIME DAY—1938

By the President of the United States of America

A PROCLAMATION

WHEREAS in commemoration of the first successful transoceanic voyage made under steam propulsion by the steamship *The Savannah*, which set sail from Savannah, Georgia, on May 22, 1819, Public Resolution 7, approved May 20, 1933 (48 Stat. 73), provides:

"That May 22 of each year shall hereafter be designated and known as National Maritime Day, and the President is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe such National Maritime Day by displaying the flag at their homes or other suitable places and Government officials to display the flag on all Government buildings on May 22 of each year."

AND WHEREAS May 22, 1938, falls on a Sunday:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe Monday, May 23, 1938, as National Maritime Day by displaying the flag at their homes or other suitable places, and do direct Government officials to display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of April in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

Acting Secretary of State.

[No. 2280]

[F. R. Doc. 38-1178; Filed, April 27, 1938; 10:53 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

NEW MEXICO GRAZING DISTRICT No. 6

MODIFICATION

APRIL 21, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of April 8, 1935, estab-

lishing New Mexico Grazing District No. 6 is hereby revoked as far as it affects the following-described lands:

NEW MEXICO

New Mexico Principal Meridian

Tps. 2, 3, and 4 S., R. 27 E.;

Tps. 3 and 4 S., Rts. 28 and 29 E.

HAROLD L. ICKES,

Secretary of the Interior.

[F. R. Doc. 38-1176; Filed, April 27, 1938; 9:36 a. m.]

National Park Service.

LASSEN VOLCANIC NATIONAL PARK

LOCAL SUBSIDIARY REGULATIONS

The following regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Lassen Volcanic National Park:

Fishing.—The local subsidiary regulations relating to fishing, approved May 27, 1936 (1 F. R. 534), are continued in force and effect.

Entrance roads.—The Manzanita Lake and Sulphur Works entrances shall be opened at 6:00 A. M. and closed at 10:00 P. M. daily.

Speed.—Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 20 miles per hour in the Manzanita Lake area, which includes the following roads:

Manzanita Lake Campground Roads Nos. 1 and 2.

The road to Reflection Lake picnic ground.

One-half mile of the Lassen Peak Loop Highway, from the Manzanita Lake checking station to the gasoline station.

Approved April 23, 1938.

[SEAL]

ARNO B. CAMMERER,

Director, National Park Service.

[F. R. Doc. 38-1175; Filed, April 27, 1938; 9:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

ORDER REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA AS IS IN INTERSTATE COMMERCE, AND AS DIRECTLY BURDENS, OBSTRUCTS OR AFFECTS INTERSTATE COMMERCE

Whereas, under the terms and provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

TABLE OF CONTENTS

Department of Agriculture:	Page
Agricultural Adjustment Administration:	
Milk, handling of, in Cincinnati, Ohio, Marketing Area.....	969
Puerto Rico sugar quota, notice of hearing, etc....	973
Bureau of Animal Industry:	
Notices under Packers and Stockyards Act, 1921:	
Gallatin Livestock Market, Inc., Gallatin, Tenn..	974
Poore, C. W., Jay, and Forrest, doing business as	
McCook Livestock Exchange, McCook, Nebr..	974
Recognition of breeds and purebred animals, regulations amended.....	974
Forest Service:	
Occupancy, etc., national forests, regulation modified.....	975
Department of Commerce:	
Bureau of Air Commerce:	
Civil Air Regulations, amendment of.....	975
Department of the Interior:	
Division of Grazing:	
New Mexico Grazing District No. 6, modification..	969
National Park Service:	
Lassen Volcanic National Park, local subsidiary regulations.....	969
Federal Home Loan Bank Board:	
Home Owners' Loan Corporation:	
Loan Service Chapter of Manual amended; requirements for division of security and indebtedness.....	976
Federal Trade Commission:	
Orders appointing examiners, etc., in the matter of:	
Cherry Specialty Co.....	977
Graff, Joseph W., trading as The Sylvan Co.....	976
Koolish, Philip H., Jr., trading as Pacific Coast Specialty Co.....	978
Koolish, Theodore H., trading as Universal Specialties Co.....	976
Ross, S. C., trading as Ideal Gift Co.....	977
Scadron, Irwin, trading as Metropolitan Distributing Co.....	977
Schwartz, J. A., trading as National Sales & Novelty Co.....	978
Silver, James I., trading as Silver Manufacturing Co., etc.....	977

TABLE OF CONTENTS—Continued

Interstate Commerce Commission:	Page
Motor carrier rates in New England, corrected order..	978
President of the United States:	
Proclamation:	
National Maritime Day, 1938.....	969
Securities and Exchange Commission:	
St. Anthony Gold Mines, Ltd., common stock, \$1 par value:	
Order granting application to withdraw from listing and registration.....	979
Order relative to amended application.....	979
South Carolina Utilities Co., and Walnut Electric & Gas Corp., exemption of issue and sale of securities authorized by State Commission.....	979

amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Cincinnati, Ohio, marketing area, would tend to effectuate the declared policy of said act, gave, on the 12th day of November 1937, notice of a public hearing to be held at Cincinnati, Ohio, on the 29th day of November 1937,¹ on a proposed marketing agreement and a proposed order, said hearing being reopened at Cincinnati, Ohio, on the 4th and 20th days of January 1938 and the 2nd day of February 1938 for the purpose of receiving additional evidence, and at said times and places conducted public hearings, at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, the Secretary has found and proclaimed the period August 1919-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Cincinnati, Ohio, marketing area; and

Whereas, after said hearings and after the tentative approval by the Secretary of a marketing agreement on the 22nd day of March 1938, handlers of more than 50 percent of the volume of milk covered by this order, which is marketed within the Cincinnati, Ohio, marketing area, have signed such tentatively approved marketing agreement upon which hearings have been held and this order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, said marketing agreement; and

Whereas, the Secretary hereby determines that the issuance of this order is approved or favored by over two-thirds of the producers who, during the month of January 1938, said month having been determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Cincinnati, Ohio, marketing area; and

Whereas, the Secretary finds that the expenses which the market administrator will necessarily incur during any

¹ 2 F. R. 2869 (DI).

twelve-month period of time for the maintenance and functioning of such agency for the administration of this order will be approximately \$35,000 and that the payment by each handler of 2 cents per hundredweight on all milk received from producers is a proper maximum pro rata share of such expenses; and

Whereas, the Secretary finds, upon the evidence introduced at said hearings:

1. That approximately 38 percent of the total volume of milk received by handlers distributing milk in the Cincinnati, Ohio, marketing area, is produced outside the State of Ohio and approximately 74 percent of all milk received by handlers distributing milk in the Cincinnati, Ohio, marketing area, is either produced outside the State of Ohio or is physically and inextricably intermingled by such handlers with milk which is produced outside the State of Ohio; and

2. That the milk originating in States other than Ohio enters the current of interstate commerce; that the milk originating in the State of Ohio is inextricably intermingled with that milk which is in the current of interstate commerce and in such amount that it is impossible to regulate that milk originating in States other than Ohio without regulating that milk which originates in the State of Ohio; and that the handling of milk in the Cincinnati, Ohio, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce; and

3. That orderly marketing conditions for milk flowing into the Cincinnati, Ohio, marketing area are threatened with disruption which will result in an impairment of the purchasing power of milk handled in said marketing area, and that the issuance of this order and all its terms and conditions will tend to effectuate the declared policy of the said act; and

4. That the prices calculated to give milk handled in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of the said act are not reasonable in view of the price of feeds and other economic conditions which affect the supply and demand for such milk and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by said act, hereby orders that such handling of milk produced for sale in the Cincinnati, Ohio, marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in conformity to and in compliance with the following terms and conditions.

ARTICLE I—DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following definitions:

1. *Secretary* means the Secretary of Agriculture of the United States.

2. *Cincinnati Marketing Area*, hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory included within the boundary lines of Hamilton County, Ohio.

3. *Person* means any individual, partnership, corporation, association, and any other business unit.

4. *Producer* means any person who, in conformity with the health regulations, as applied and enforced by the proper authorities, with respect to milk which is sold for consumption in the form of milk in the marketing area, produces milk and delivers it to a handler: *Provided*, That if such producer has not regularly distributed milk in the marketing area or sold milk to a handler for a period of 30 days prior to the effective date hereof, but thereafter begins the regular delivery of milk to a handler, he shall be known as a "new producer" during the first two full calendar months after deliveries are first made to a handler, after which he shall be known as a producer.

5. *Handler* means any person who purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is sold in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

6. *Delivery period* means any calendar month.

ARTICLE II—MARKET ADMINISTRATOR

SECTION 1. *Designation.*—The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

Sec. 2. *Powers.*—The market administrator shall:

1. Administer the terms and provisions hereof;

2. Report to the Secretary complaints of the violations of the provisions hereof.

Sec. 3. *Duties.*—The market administrator shall:

1. Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

2. Pay out of the funds provided by article IX the cost of his bond, his own compensation, and all other expenses which the Secretary finds will be necessarily incurred in the maintenance and functioning of his office;

3. Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

4. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to article III or (b) made payments pursuant to articles VII and IX; and

5. Promptly verify the information contained in the reports submitted by handlers.

ARTICLE III—REPORTS OF HANDLERS

SECTION 1. *Submission of reports.*—Each handler shall report to the market administrator, in the detail and form prescribed by the market administrator, as follows:

1. On or before the 10th day after the end of each delivery period, (a) the receipts of milk at each plant from producers and new producers, (b) the receipts of milk at each plant from handlers, (c) the receipts at each plant of the milk, if any, produced by him, (d) the utilization of all receipts of milk for the delivery period, and (e) the name and address of each new producer.

2. Within 10 days after the market administrator's request with respect to any producer and new producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made.

3. On or before the 10th day after the end of each delivery period, his producer pay roll, which shall show for each producer and new producer (a) the total delivery of milk with the average butterfat test thereof, (b) the amount of the advance payment to such producer and new producer made pursuant to section 1 of article VII, and (c) the deductions and charges made by the handler.

Sec. 2. *Verification of reports.*—Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this article, and (2) those facilities which are necessary for the sampling and weighing of the milk of each producer and new producer.

ARTICLE IV—CLASSIFICATION OF MILK

SECTION 1. *Class definitions.*—Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator as follows:

1. Class I milk shall be all milk sold or given away in the form of milk or milk drinks, whether plain or flavored, and all milk not accounted for as Class II or Class III milk.

2. Class II milk shall be all milk used to produce cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

3. Class III milk shall be all milk accounted for (a) as actual plant shrinkage but not to exceed 2½ percent of total receipts of milk, and (b) as used to produce a milk product other than one of those specified in Class II.

SEC. 2. *Interhandler and nonhandler sales.*—Milk sold by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be Class I milk: *Provided*, That if the selling handler on or before the 10th day after the end of the delivery period furnishes to the market administrator a statement, which is signed by the buyer and seller, that such milk was used in Class II or Class III, such milk shall be classified accordingly, subject to verification by the market administrator.

SEC. 3. *Computation of butterfat in each class.*—For each delivery period, the market administrator shall compute for each handler the butterfat in each class, as set forth in section 1, as follows:

1. Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers and new producers by the average butterfat test, (b) multiply the weight of the milk produced by him, if any, by the average butterfat test, (c) multiply the weight of the milk received from handlers, if any, by the average butterfat test, and (d) add together the resulting amounts.

2. Determine the total pounds of butterfat in Class I milk as follows: (a) convert to quarts the quantity of milk or milk drinks, whether plain or flavored, sold or given away in the form of milk, and multiply by 2.15 (b) multiply the result by the average butterfat test of such milk; and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II and Class III milk computed pursuant to paragraphs 3 and 4 of this section is less than the total pounds of butterfat received, computed in accordance with paragraph 1, an amount equal to the difference shall be added to the quantity of butterfat determined pursuant to (b) of this paragraph.

3. Determine the total pounds of butterfat in Class II milk as follows: (a) multiply the actual weight of the several products of Class II milk by the average butterfat test and (b) add together the resulting amounts.

4. Determine the total pounds of butterfat in Class III milk as follows: (a) multiply the actual weight of the several products of Class III milk by the average butterfat test, (b) multiply the weight of a quantity of milk equal to the plant shrinkage, which shall not exceed 2½ percent of total receipts, by the average butterfat test of milk received, and (c) add together the resulting amounts.

5. Determine the classification of the butterfat received from producers and new producers, as follows:

(a) Subtract from the total pounds of butterfat in each class the total pounds of butterfat which were received from other handlers and used in such class.

(b) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat produced by him.

SEC. 4. *Computation of milk in each class.*—For each delivery period, the market administrator shall compute for

each handler the hundredweight of milk in each class, which was received from producers and new producers and to which the prices set forth in article V apply, as follows:

1. Divide the total pounds of butterfat computed for each class in accordance with paragraph 5 of section 3 of article IV by the average test of all milk received from producers and new producers by such handler.

ARTICLE V—PRICES

SECTION 1. *Class prices.*—Each handler shall pay at the time and in the manner set forth in article VII not less than the following prices for milk delivered at the handler's plant on the basis of milk of 4 percent butterfat content as follows:

Class I milk—\$2.75 per hundredweight: *Provided*, That where Class I milk is delivered to the residence of a relief client and paid for by a recognized relief agency the price shall be \$2.15 per hundredweight, and *Provided further*, that where Class I milk is sold outside the marketing area, the price shall be that which the market administrator ascertains is being paid to farmers for milk of equivalent use in the market where such milk is sold, subject to a reasonable adjustment on account of transportation from the plant where such milk is received from producers to the plant where such milk is loaded on wholesale and retail routes.

Class II—\$2.00 per hundredweight.

Class III milk—The price per hundredweight which shall be calculated by the market administrator as follows: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, and add 30 percent thereof: *Provided*, That for a quantity of Class III milk not to exceed 10 percent of the Class I and Class II milk delivered by producers and new producers the price shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, plus 3 cents, multiplied by 4.

SEC. 2. *Computation of value of milk for each handler.*—For each delivery period, the market administrator shall compute the value of milk which each handler has received from producers, new producers, or an association of producers as follows:

1. Multiply the hundredweight of milk in each class, computed in accordance with section 4 of article IV, by the respective class price for 4-percent milk: *Provided*, That, if the average butterfat test of milk received from producers by such handler is more than 4 percent, there shall be added to the respective Class I and Class II prices for 4-percent milk, 4 cents per hundredweight, and to the Class III price for 4-percent milk, there shall be added an amount equal to 1/40 of the Class III price for each 1/10 of one percent of average butterfat content above 4 percent; and, if the average butterfat content of milk received from producers by such handler is less than 4 percent, there shall be subtracted from the Class I and Class II prices for 4-percent milk, 4 cents per hundredweight, and from the Class III price for 4-percent milk there shall be subtracted an amount equal to 1/40 of the Class III price, for each 1/10 of one percent of average butterfat content below 4 percent.

2. Add together the resulting amounts.

3. If, in the verification of reports from handlers, the market administrator discovers errors in the reports submitted by any handler or errors in payments to producers or new producers for any previous delivery periods, there shall be added or subtracted, as the case may be, the amount of money necessary to correct any such errors.

SEC. 3. *Notification to each handler of value of milk.*—On or before the 13th day after the close of each delivery period, the market administrator shall bill each handler for the value of milk computed in accordance with section 2.

ARTICLE VI—DETERMINATION AND ANNOUNCEMENT OF VALUES AND PRICES

SECTION 1. *Computation of uniform price.*—The market administrator shall compute the uniform price per hundredweight of milk delivered during each delivery period as follows:

1. Add together values of milk, as computed in section 2 of article V, for each handler who made the payments required by article VII.

2. Subtract from this sum the total amount to be paid pursuant to paragraph 2 of section 1 of article VIII.

3. Subtract, if the average test of all milk is greater than 4 percent butterfat, or add, if the average test of such milk is less than 4 percent, an amount computed as follows: multiply the total hundredweight of milk by the variance of such average test from 4 percent, and multiply the resulting amount by \$0.40.

4. Add the cash balance, if any, in the settlement fund.

5. Divide by the total hundredweight of milk received from producers other than the milk represented by the amount subtracted in paragraph 2.

6. Subtract the fraction of a cent, if any.

SEC. 2. *Announcement of price.*—On or before the beginning of the following delivery period, the market administrator shall notify each handler of the uniform price for milk and of the price for milk delivered by new producers, and shall make public announcement of the computation of the uniform price.

ARTICLE VII—PAYMENT FOR MILK

SECTION 1. *Payment to producers.*—On or before the 5th day after the end of each delivery period, each handler shall pay each producer and new producer, from whom he has received milk, \$1.00 per hundredweight for all milk delivered during the delivery period.

SEC. 2. *Payment to producer-settlement fund.*—On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator a check in the amount of the value of milk billed to him for said delivery period, pursuant to section 3 of article V, less the amount paid out in accordance with section 1, and less the amount of the deductions and charges itemized on his producer pay roll. The market administrator shall maintain a separate fund known as the producer-settlement fund, in which he shall deposit all checks of handlers received pursuant to this section.

ARTICLE VIII—PAYMENTS TO PRODUCERS FROM PRODUCER-SETTLEMENT FUND

SECTION 1. *Calculation of Payments for Each Producer.*—For each delivery period the market administrator shall calculate the payment due each producer and new producer who delivered milk during said delivery period to a handler, who paid into the producer-settlement fund in accordance with article VII, as follows:

1. Multiply the hundredweight of milk delivered by each producer by the uniform price computed in accordance with section 1 of article VI; *Provided*, That if such milk is of an average butterfat content other than 4 percent, there shall be added or subtracted for each one-tenth of one percent variance above or below 4 percent, 4 cents per hundredweight;

2. Multiply the total hundredweight of milk delivered by each new producer during said delivery period by the Class III price; *Provided*, That if such milk is of an average butterfat content other than 4 percent, there shall be added or subtracted for each $\frac{1}{10}$ of one percent variance above or below 4 percent, an amount per hundredweight equal to $\frac{1}{10}$ of the Class III price;

3. Subtract, in each case, the amount of the advance payment made pursuant to section 1 of article VII, the charges and the deductions, if any, which have been made by the handler against each producer and new producer.

SEC. 2. *Payments.*—On or before the 20th day after the end of each delivery period, the market administrator shall

pay to each cooperative association, authorized to receive payments due producers who market their milk through such association, or to an agent designated by such cooperative to receive such payments, the aggregate of payments calculated pursuant to section 1 of this article, for all producers and new producers certified to the market administrator by such association as having authorized such association to receive such payments, and shall pay direct to each producer and new producer who has not been certified as having authorized such association to receive such payments the amount of the payment calculated pursuant to section 1.

ARTICLE IX—EXPENSE OF ADMINISTRATION

SECTION 1. *Payment by handlers.*—As his pro rata share of the expenses which the Secretary finds will be necessarily incurred in the maintenance and functioning of the office of the market administrator, each handler shall, with respect to all milk received from producers and new producers or produced by him during the delivery period, pay to the market administrator on or before the 17th day after the end of each delivery period that amount per hundredweight, subject to review by the Secretary and not to exceed 2 cents per hundredweight, which is announced on or before the 13th day after the end of each delivery period by the market administrator.

ARTICLE X—AMENDMENT, SUSPENSION, AND TERMINATION

SECTION 1. *Effect of amendment, suspension, or termination.*—The amendment, suspension, or termination of any or all of the provisions of this order shall not affect, waive, or terminate any right, duty, obligation, violation, or liability which shall have arisen, or may thereafter arise, in connection with any of the provisions herein.

SEC. 2. *Power of the market administrator to liquidate.*—Upon the suspension or termination of this order, the powers and duties of the market administrator shall be continued for the purpose of permitting the market administrator then functioning, or such other person as the Secretary may designate, to: (1) reduce all assets to cash, (2) pay all costs of liquidation, (3) distribute all remaining cash on hand to the parties entitled to receive the same, and (4) ship all books and records to the Secretary for filing.

ARTICLE XI—LIABILITY

SECTION 1. *Handlers.*—The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Marketing Agreement Act of 1937, which reenacts and amends certain provisions of Public No. 10, 73d Congress, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture in the city of Washington, District of Columbia, on this 27th day of April, 1938, and declares this order to be effective on and after 12:01 a. m., e. s. t., May 1, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1186; Filed, April 27, 1938; 12:20 p. m.]

PUERTO RICO SUGAR QUOTA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Whereas the Secretary of Agriculture, acting pursuant to the authority contained in Section 205 (a) of the Sugar Act of 1937, held a public hearing in Washington, D. C., on January 14, 1938, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1938 sugar quota for Puerto Rico for shipment to the continental United States (including the portion which may

be filled by direct-consumption sugar) and the 1938 sugar quota for Puerto Rico for local consumption; and

Whereas the Secretary of Agriculture, on April 19, 1938, issued Puerto Rico Sugar Order No. 10¹ allotting the portion of the 1938 sugar quota for Puerto Rico which may be filled by direct-consumption sugar; and

Whereas it is deemed necessary to revise or amend the said Puerto Rico Sugar Order No. 10 as provided in section 205 (a) of the said act; and

Whereas the evidence presented to the Secretary of Agriculture at the aforesaid hearing is inadequate to enable him to make a fair, efficient, and equitable distribution of the 1938 raw sugar quota for Puerto Rico and the 1938 sugar quota for Puerto Rico for local consumption; and

Whereas an emergency exists which requires a shorter period of notice than that required under General Sugar Regulations, Series 2, No. 2, issued September 21, 1937;² and

Whereas the period of notice given hereunder is deemed to be reasonable under the circumstances:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in me by section 205 (a) of the said act, do hereby confirm my prior finding of December 31, 1937, that the allotment of the 1938 raw sugar quota for Puerto Rico for shipment to the continental United States and the 1938 sugar quota for Puerto Rico for local consumption is necessary to prevent disorderly marketing and importation of such sugar, and hereby give notice that a public hearing will be held in Washington, D. C., in the auditorium of the United States Department of Agriculture on May 3, 1938, at 9:30 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to revise or amend the provisions of the said Puerto Rico Sugar Order No. 10 in accordance with the provisions of section 205 (a) of the said act, and to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1938 raw sugar quota for Puerto Rico for shipment to the continental United States and the 1938 sugar quota for Puerto Rico for local consumption.

Robert B. Tyler and John C. Bagwell are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 26th day of April, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1184; Filed, April 27, 1938; 12:19 p. m.]

Bureau of Animal Industry.

NOTICE

APRIL 22, 1938.

To GALLATIN LIVESTOCK MARKET, INC., Gallatin, Tenn.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Gallatin Livestock Market, at Gallatin, State of Tennessee, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1166; Filed, April 26, 1938; 1:53 p. m.]

NOTICE

APRIL 22, 1938.

To C. W. POORE, JAY POORE, AND FORREST POORE, doing business as McCook Livestock Exchange, McCook, Nebr.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyard, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stock yard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And, whereas the McCook Livestock Exchange, at McCook, Nebraska, was posted¹ on the 4th day of December, 1937, as coming within the foregoing definition;

And, whereas after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area now operated as a public stockyard by the McCook Livestock Exchange is less than the minimum specified in the Packers and Stockyards Act and is, therefore, no longer required to be designated and posted under said Act:

Now, therefore, notice is hereby given that the McCook Livestock Exchange, McCook, Nebraska, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1165; Filed, April 26, 1938; 1:53 p. m.]

[Amendment 14 to B. A. I. Order 350]

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after April 27, 1938]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breed and book of record:

Asses

Name of breed	Book of record	By whom published
Poltou Ass.....	Jack and Jennet Section of the Stud-Book ou Livre Généalogique des Animaux Mulassiers du Poltou.	Société Centrale d'Agriculture des Deux-Sèvres, Eugene Sagot, president, Niort, France.

¹ 2 F. R. 2951 (DI).

¹ 3 F. R. 925 (DI).
² 2 F. R. 2200 (DI).

Done at Washington this 27 day of April 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1185; Filed, April 27, 1938; 12:19 p. m.]

Forest Service.

OCCUPANCY, USE, PROTECTION, AND ADMINISTRATION OF NATIONAL FORESTS

MODIFICATION OF REGULATION L-7

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905, (33 Stat. 628), amendatory of the Act of June 4, 1897, (30 Stat. 35), 16 U. S. C. 551, I, H. A. Wallace, Secretary, do hereby amend paragraphs 1 and 5 of Regulation L-7 of the rules and regulations governing the occupancy, use, protection, and administration of the national forests as approved on August 12, 1936, (1 Fed. Reg. 1099), to read as follows:

"The right of way over national forest land for any State or county highway or road which is a part of the approved system of public roads shall be 132 feet in width for roads of class 1 or class 2, and 66 feet in width for roads of class 3 or other county roads of a secondary character; the center line of the highway or road to be the center line of the right of way except where otherwise provided by permit. National forest lands within the limits of such right of way shall continue to be administered by the Forest Service, but their use for highway or road purposes shall be the dominant use, and no occupancy for other purposes shall hereafter be authorized by the forest supervisor or regional forester unless approved and concurred in by the appropriate State or county officials, but if agreement can not be reached regarding other forms of use or occupancy regarded by the regional forester as essential to the proper use and management of the national forest the matter shall be submitted to the Secretary of Agriculture for final decision.

"Roads traversing national forest lands, which are not parts of State or county highway systems and which are constructed and maintained wholly at the expense of the Federal Government and its private cooperators may be designated by the regional forester as special service roads, and upon roads so designated the operation of automobiles or trucks is prohibited except as authorized by the regional forester."

In testimony whereof I have hereunto set my hand and official seal in the City of Washington this 27 day of April 1938.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 38-1183; Filed, April 27, 1938; 12:19 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

[Amendment No. 4]

AMENDMENT TO THE CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended by the Act of February 28, 1929 (45 Stat. 1404), the Act of June 19, 1934 (48 Stat. 1113) and the Act of June 19, 1934 (48 Stat. 1116), and the authority contained in Sections 11 and 12 of the Act of June 12, 1934 (48 Stat. 933, 937), divisions 20.30, 21.20, 27.1054, 40.262, 40.263, 50.200 and 52.120 of the Civil Air Regulations,¹ effective November 1, 1937, are amended to read as follows:

20.30 *Provision for issuance.*—An appropriate pilot certificate of competency will be issued by the Secretary to a

natural person who is an applicant therefor, after approval of an application made and proofs submitted in connection therewith and if upon inspection and examination such applicant is found by the Secretary to meet the appropriate minimum requirements prescribed in CAR 20.1. Holders of valid pilot licenses may pilot aircraft pursuant to such authority until the expiration thereof: *Provided*, That such piloting of aircraft by holders of valid student, amateur, private, limited-commercial and transport pilot licenses shall be subject to the respective prohibitions and limitations provided in Civil Air Regulations effective November 1, 1937, and as amended, for piloting of aircraft by holders of valid student, solo, private, limited-commercial and commercial pilot certificates. On the expiration of each pilot license the holder, upon meeting the requirements for the renewal or re-issuance thereof and for any ratings held, may have issued to him the following certificates and ratings:

(a) If the holder of a student license, a *solo certificate*, provided he has logged at least 5 hours of certified solo flying time, makes application within the effective period of his license and shows a satisfactory physical examination, as provided for in CAR 20.104, within the 9 months immediately preceding application for such solo certificate. If the holder of a student license with no or less than 5 hours solo flying time, CAR 20.10 and 20.60 shall apply.

(b) If the holder of an amateur license, a *solo certificate*.

(c) If the holder of a private, limited-commercial or transport license, a *private, limited-commercial or commercial certificate* respectively, plus an *instrument rating* if a non-scheduled instrument rating is held and, in the case of the commercial pilot certificate, an *instructor rating* whether or not a flying instructor's rating is held.

21.20 *General.*—An airline pilot competency certificate will be issued by the Secretary to a natural person, who is an applicant therefor, after approval of an application made and proofs submitted in connection therewith and if, upon inspection and examination, said applicant is found by the Secretary to meet the minimum requirements prescribed therefor in CAR 21.1. Until October 1, 1938, the holder of both a valid transport pilot license and a scheduled air transport rating, upon a showing of the same and upon application made as provided in CAR 21.21, will be issued an airline pilot certificate with ratings specifying aircraft of the type, weight and engine classification as specified on his transport pilot license. In the interim, piloting shall be under authority heretofore granted.

27.1054—Until July 1, 1938, an applicant employed or formerly employed in the dispatching and flight control of aircraft in airline service may be deemed by the Secretary to have met the requirements of CAR 27.105, and if so deemed, shall be presumptively entitled to an airline dispatcher rating.

40.262 *Second pilots.*—Applicant shall show that each person employed to serve as a second pilot for the airline is possessed of at least a valid commercial pilot competency rating and before serving as second pilot in any aircraft in scheduled airline service shall have demonstrated, to an airline inspector representing the Secretary or to a check pilot of the airline duly authorized by the Secretary, his ability to take off and land such aircraft in which he is to serve by making at least 3 satisfactory take-offs and landings in each model of such aircraft. On and after July 1, 1938, each applicant for or holder of an airline competency certificate will be required to show that each such person is possessed of a valid instrument rating, unless possessed of a valid airline pilot competency rating.

40.263 *Airline dispatchers.*—Applicant shall show that each person assuming aircraft dispatcher duties for the airline is familiar with the route or part thereof over which he will dispatch aircraft, the weather characteristics and phenomena peculiar to such route, the nature and peculiarities of the terrain and of obstructions to flight, the air navigation facilities available on the ground and in the aircraft, the contents of the operations manual of the proposed airline and the aircraft

¹ 2 F. R. 2357-2382 (DI).

limitations specified in the certificates of the aircraft proposed for use. On and after July 1, 1938, each applicant for or holder of an airline competency certificate will be required to show that each such person is possessed of a valid and appropriate airline dispatcher competency rating.

50.200—Civilian schools giving instruction in flying and holding valid approved school certificates may operate pursuant to such authority until the expiration thereof or until July 1, 1938, whichever is the shorter period. Thereafter flying school certificates will be issued, upon application, pursuant to these regulations.

52.120—Aircraft repair stations holding valid approved repair station certificates may operate pursuant to such authority until July 1, 1938. Thereafter aircraft repair station certificates will be issued, upon application, pursuant to these regulations.

Approved, to take effect April 30, 1938.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 38-1179; Filed, April 27, 1938; 11:48 a. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

AMENDING THE LOAN SERVICE CHAPTER (II) OF THE MANUAL
CHANGING THE REQUIREMENTS FOR DIVISION OF SECURITY AND
INDEBTEDNESS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sub-sections a and k of Section 4 of said Act as amended, it is hereby ordered that Section 203 (i) of Chapter II of the Manual be amended to read as follows:

SEC. 203. (i) The General Manager, with the advice of the General Counsel, may authorize and direct a division of the mortgaged property, the allocation of the indebtedness to be secured by each parcel, the reamortization of each indebtedness within a period of fifteen years from the date of the original loan, the execution or acceptance of appropriate releases, reamortization agreements, mortgages, and other instruments by any official authorized to execute releases of the mortgaged liens of the Corporation, and such further action as may be necessary to effect the division of indebtedness and security.

The Regional Manager, with the advice of the Regional Counsel, may exercise the authority herein conferred upon the General Manager under procedure and limitations prescribed by the General Manager, with the approval of the General Counsel.

Be it further resolved, That this resolution shall be effective from May 16, 1938.

Adopted by the Federal Home Loan Bank Board on April 25, 1938.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 38-1177; Filed, April 27, 1938; 10:19 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3182]

IN THE MATTER OF JOSEPH W. GRAFF, INDIVIDUALLY, AND
TRADING AS THE SYLVAN COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1167; Filed, April 27, 1938; 9:17 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3184]

IN THE MATTER OF THEODORE H. KOOLISH, INDIVIDUALLY AND
TRADING AS UNIVERSAL SPECIALTIES COMPANY.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at ten-thirty o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1168; Filed, April 27, 1938; 9:17 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3205]

IN THE MATTER OF S. C. ROSS, INDIVIDUALLY, AND TRADING AS
IDEAL GIFT COMPANYORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at one o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1169; Filed, April 27, 1938; 9:17 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3211]

IN THE MATTER OF JAMES I. SILVER, INDIVIDUALLY, AND TRADING AS
SILVER MANUFACTURING COMPANY, SILVER SALES COMPANY,
AND WORLD-WIDE RADIO COMPANYORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at two o'clock in the afternoon of that day (central standard time), in Room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1170; Filed, April 27, 1938; 9:18 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayers, Robert E. Freer.

No. 83—2

[Docket No. 3215]

IN THE MATTER OF CHERRY SPECIALTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 12, 1938, at one o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1171; Filed, April 27, 1938; 9:18 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3219]

IN THE MATTER OF IRWIN SCADRON, INDIVIDUALLY, AND TRADING AS
METROPOLITAN DISTRIBUTING COMPANYORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at nine-thirty o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1172; Filed, April 27, 1938; 9:18 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3246]

IN THE MATTER OF PHILIP H. KOOLISH, JR., INDIVIDUALLY, AND
TRADING AS PACIFIC COAST SPECIALTY COMPANYORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at two-thirty o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1173; Filed, April 27, 1938; 9:18 a. m.]

United States of America—Before Federal Trade
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3253]

IN THE MATTER OF J. A. SCHWARTZ, INDIVIDUALLY, AND TRADING
AS NATIONAL SALES & NOVELTY COMPANY.ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1174; Filed, April 27, 1938; 9:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC 22]

MOTOR CARRIER RATES IN NEW ENGLAND

CORRECTED ORDER¹

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 12th day of April, A. D. 1938.

¹ 3 F. R. 895 (DI).

The said division having under consideration the subject of the rates, charges, classifications, rules, regulations, and practices applicable to the transportation of property in interstate or foreign commerce by common carriers by motor vehicle between points as hereinafter described:

It is ordered, That an investigation be, and it is hereby, instituted by the said division, on its own motion, into and concerning the lawfulness of the maximum, minimum, and precise basis of all rates, charges, and classifications, and the rules, regulations, and practices relating thereto, applicable to the transportation by all common carriers by motor vehicle subject to the Motor Carrier Act, 1935, of all property in interstate or foreign commerce between all points in the territory described below, with a view to determining whether the rates, charges, and classifications, and the rules, regulations, and practices relating thereto, of respondents, or any of them, applicable to such transportation are in any respects in violation of law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant:

Territorial Description

All parts of each of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; and between all parts of each of the said States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, on the one hand, and the territory hereinafter described, on the other hand; that part of the State of New Jersey on and within an irregular line running generally southwest beginning at the northeast corner of the State and at the intersection of the State boundaries of New York and New Jersey with the Hudson River at a point on the opposite shore from Hastings-on-the-Hudson, N. Y.; thence by the westerly shore of the Hudson River, Upper Bay, Kill van Kull, Newark Bay, Arthur Kill, and across the Raritan River at its entrance to Raritan Bay to South Amboy, N. J.; thence by U. S. Highway 9 from South Amboy to point of intersection with New Jersey Highway S-28; thence generally northwestward by New Jersey Highway S-28 to the boundaries of the City of New Brunswick, N. J., and along said boundaries to the Raritan River and thence by said river to Bound Brook, N. J.; thence generally north-eastward from Bound Brook by U. S. Highway 22 to its point of intersection with New Jersey Highway 23 and thence by New Jersey Highway 23 to its intersection with U. S. Highway 202; thence by U. S. Highway 202 to the point of intersection with the State boundary; thence generally southeastward by the State boundary of New York and New Jersey to the point of beginning; that part of the State of New York within New York, N. Y. (comprising the Boroughs of Manhattan, Bronx, Brooklyn, Queens, and Richmond) and the remainder of Long Island, N. Y., and the counties of Westchester, Putnam, Dutchess, and that portion of Columbia County lying south of a line running generally northwestward from the intersection of New York Highway 23 with the western boundary of Massachusetts, and by New York Highway 23 and the southern boundary of the City of Hudson, N. Y., to the east shore of the Hudson River, and that portion of Orange County which includes the corporate limits of Newburgh, N. Y.; that part of the State of New York on and within a line beginning at the northeast corner of the State of New York at its intersection with the International Boundary of Canada and the United States, and thence generally south by the westerly shore of Lake Champlain to Whitehall, N. Y.; thence from Whitehall by the shortest distance to the westerly boundary of Vermont and by the westerly boundaries of Vermont and Massachusetts to the intersection of said Massachusetts boundary with New York Highway 23; thence generally northwesterly by New York Highway 23 and the southern boundary of the City of Hudson, N. Y., to the east shore of the Hudson River; thence generally northwesterly by the

east shore of the Hudson River to a point opposite the southerly boundary of the City of Albany and across the Hudson River to said point and by the southerly and westerly boundaries of Albany to their intersection with U. S. Highway 20; thence by U. S. Highway 20 to its intersection with New York Highway 7 at or about Duanesburg, N. Y.; thence by New York Highway 7 to Schenectady, N. Y.; thence by New York Highway 50, U. S. Highway 9, New York Highways 9N, 86A, 408, 86, and 10, to the International Boundary of Canada and the United States, and thence easterly by said International Boundary to the point of beginning.

It is further ordered, That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, operating between the points and participating in the transportation described in the next preceding paragraph hereof, be, and they are hereby, made respondents to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

And it is further ordered, That said proceeding be, and it is hereby, assigned for hearing before the said division on the 29th day of April, A. D. 1938, at 10 o'clock A. M. (Standard Time) at the Hotel Manger, Boston, Mass.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 38-1187; Filed, April 27, 1938; 12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 26th day of April 1938.

[File No. 1-93]

IN THE MATTER OF ST. ANTHONY GOLD MINES, LTD. COMMON STOCK, \$1 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The St. Anthony Gold Mines, Ltd., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Common Stock, \$1 Par Value, from listing and registration on the New York Curb Exchange; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1180; Filed, April 27, 1938; 12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

¹ 3 F. R. 650 (DI).

[File No. 1-93]

IN THE MATTER OF ST. ANTHONY GOLD MINES, LTD. COMMON STOCK, \$1 PAR VALUE

ORDER RELATIVE TO AMENDED APPLICATION

The St. Anthony Gold Mines, Ltd. pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$1 Par Value, from listing and registration on the New York Curb Exchange; and

A hearing¹ having been held in this matter on March 15, 1938, and the Trial Examiner having filed his Report herein on March 29, 1938; and

Thereafter said issuer by letter dated April 20, 1938, having requested the Commission to make a part of the record of this proceeding an amended application dated April 20, 1938, enclosed with said letter; and

It appearing appropriate that said request should be granted;

It is ordered, That said amended application be and the same is hereby made a part of the record of this proceeding.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1181; Filed, April 27, 1938; 12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1938.

[File Nos. 32-81, 46-95]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY AND WALNUT ELECTRIC & GAS CORPORATION

ORDER GRANTING EXEMPTION OF ISSUE AND SALE OF SECURITIES AUTHORIZED BY STATE COMMISSION

South Carolina Utilities Company, a subsidiary of Walnut Electric & Gas Corporation, a registered holding company, having duly filed an application, and amendment thereto with this Commission pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption under the provisions of Section 6 (a) regarding the issue and sale of three 5% unsecured renewal promissory notes in the face amounts of \$92,200, \$20,000 and \$10,000 and another promissory note in the face amount of \$150,000; and

Walnut Electric & Gas Corporation, a registered holding company, having duly filed an application, and amendment thereto, with this Commission pursuant to Section 10 (a) (1) of the above mentioned Act for approval of the acquisition from South Carolina Utilities Company of the three aforementioned promissory notes in the face amounts of \$92,200, \$20,000 and \$10,000;

A joint hearing on these applications, as amended, having been held after appropriate notice;² the applicant having completed its proof with respect to the issuance and sale of said three notes; and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the three renewal notes, in accordance with the terms and conditions set forth in, and for the purposes represented by the application of South Carolina Utilities Company be and the same

¹ 3 F. R. 650 (DI).

² 3 F. R. 827 (DI).

hereby are exempt from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; provided, however, that if the authorization of the issue and sale of said securities by the Public Service Commission and South Carolina shall be revoked or shall otherwise terminate, this exemption shall immediately terminate without further order of this Commission;

It is further ordered, That within ten days after the issue and sale of such securities, the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with

the terms and conditions, and for the purposes represented by, said application, as amended.

It is further ordered, That the record with respect to the \$150,000 note be held open pending disposition of this matter.

There is no order herein made as to the application of Walnut Electric & Gas Corporation as said application is exempt pursuant to this Commission's Rule 9C-3 (6) (e).

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[P. R. Doc. 38-1182; Filed, April 27, 1938; 12:11 p. m.]